THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:29-11-2007

WRIT PETITION No. 25095 OF 2007

BETWEEN:

Sambaraju Kishan

…Petitioner

And

The Principal Junior Civil Judge, Warangal, Warangal District and others.

…Respondents

ORDER:

The Petitioner seeks to issue a writ of mandamus, directing the Principal Junior Civil Judge, Warangal District to conduct the trial and hear O.S.No.772 of 2006 and pass such other appropriate order or orders as this Court deem fit and proper.

It is the case of the petitioner that with regard to the legality of the conduct of elections to the 8th respondent association, he filed a suit O.S.No.772 of 2006 on the file of the Principal Junior Civil Judge, Warangal to declare the elections conducted on 16-4-2006 as illegal, void and to set aside the election and declare the petitioner elected as president of the 8th respondent society, in which a written statement has been filed, but though the suit was filed in April, 2006, the said suit has not been disposed of so are. Therefore, the petitioner seeks to issue a direction to the first respondent Court to conduct the trial, hear and dispose of the case.

Heard the learned counsel appearing for the

petitioner. The petitioner has not made any allegations against the first respondent, but he only seeks a direction for expeditious disposal of the case. Writ of mandamus cannot be entertained to direct the Civil Court to dispose of the case expeditiously. If his application for expedite disposal is not considered, the petitioner has got alternative remedy under Article 227 of the Constitution of India. High Court has got the superintendence power over the Subordinate Courts under Article 227 of the Constitution of India and also has got power to control the Subordinate Courts under Article 235. Therefore, I am of the opinion that it may not be just and proper to invoke the extraordinary jurisdiction of writ of mandamus to direct the civil Court to dispose of the case expeditiously.

Therefore, I am not inclined to admit the writ petition and accordingly, the writ petition is dismissed.

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V.ESWARAIAH, J

Date: 29-11-2007.

Shr.